IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

WP(C).No. 1669 of 2007(W)

PETITIONER:

K.K.JINNAS, AGED 49,
SON OF LATE MR.KOCHUNNI, PRESIDENT, ERNAKULAM
CO-OPERATIVE AGRICULTURAL & RURAL DEVELOPMENT
BANK LTD., ALUVA, RESIDING AT JILLSILA COLLAGE,
ULIYANNOR (PO), ALUVA ERNAKULAM DISTRICT.

BY ADV. SRI.SHAJI CHIRAYATH
SMT.JIJI M. VARKEY

RESPONDENTS:
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1. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), OFFICE OF THE JOINT REGISTRAR
OF CO-OPERATIVE SOCIETIES, CHITTOOR ROAD,
ERNAKULAM DISTRICT.

2. ASSISTANT REGISTRAR OF CO-OPERATIVE
SOCIETIES (GENERAL), OFFICE OF THE
ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES
GOOD SHED ROAD, ALUVA, ERNAKULAM DISTRICT.

3. DEPUTY REGISTRAR (VIGILANCE)BANK LIMITED
252, OFFICE OF THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, CHITTOOR ROAD, ERNAKULAM DISTRICT.

BY G.P. SRI.P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 1669 of 2007

Dated this 15th day of January, 2007

JUDGMENT

Sri.Shaji Chirayath, the learned counsel for the petitioner submits that it may not be possible for the petitioner to file any objection to the proceedings which are proposed under Section 32 of the Co-operative Societies Act unless the petitioner is supplied with a copy of the enquiry report which is referred to as item Nos. 5 and 6 in Ext.P1. Sri.P.N.Santhosh, the learned Government Pleader submits that there is no practice of supplying parties with copies of the enquiry reports. An enquiry has been conducted with reference to the records which are maintained in the office of the petitioner's society itself. The learned Government Pleader submits that on 10.1.2007 the petitioner did not even appear before the Joint Registrar. The counsel for the petitioner would submit that on 10.1.2007, the petitioner submitted Exts.P2 and P3 before the Joint Registrar requesting for seeking copies of the enquiry report and related papers.

2. I do not propose to go into the eligibility of the

petitioner to have copies of the enquiry report. But, since Exts.P2 and P3 have been submitted by the petitioner, this writ petition will stand disposed of directing the first respondent – Joint Registrar to take up Exts.P2 and P3 today itself and pass orders on those applications unless they are not already rejected. In other words, it is clarified that orders on Ext.P1 will be passed only after copies of the orders to be passed on Exts.P2 and P3 are served on the petitioner. If orders are already passed on Exts.P2 and P3, those orders will be served on the petitioner before any action is taken in response to Ext.P1.

If objections are filed to Ext.P1 today, the first respondent will consider those objections also before orders are passed.

PIUS C.KURIAKOSE
Judge

dpk
Issue copy today itself.